

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GURMIT SINGH KAILA,

Defendant.

NO. CR-08-2021-LRS

**ORDER GRANTING
DEFENDANT'S MOTION
TO COMPEL, *INTER ALIA***

For the reasons the court provided at the hearing conducted on December 10, 2008, the motions of Yakima Federal Savings and Loan (Yakima Federal) and Cashmere Valley Bank (CVB) to quash subpoenas (Ct. Rec. 198 and 203) are **DENIED** with respect to the production of copies of Suspicious Activity Reports (SARs), and otherwise **DISMISSED** as moot based on the banks' representations that they have complied with the balance of the requests in the subpoenas. Consistent therewith, Defendant's Motion To Compel (Ct. Rec. 207) is **GRANTED**. The court emphasizes that its decision to order production of the SARs is not based on any obligation by the banks, but on the Government's obligation pursuant to 31 U.S.C. § 5318(g)(2)(A)(ii) ("necessary to fulfill the official duties of [government] officer or employee").

No later than **December 17, 2008**, Yakima Federal and CVB shall provide to counsel for Defendant (Richard A. Smith, Esq., or Ken Therrien, Esq.) and to counsel for the Government (Shawn N. Anderson, Esq.), copies of any SARs in their possession relating to accounts held by Defendant Gurmit S. Kaila and/or Big

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1 B Mini Mart when that business was owned by Defendant. If the banks determine
2 that any of the SARs contain particularly sensitive confidential information, they
3 may submit the same to this court for *in camera* review and the court will
4 determine if the particular SAR should not be produced to counsel, or produced in
5 redacted form.

6 The copies of the SARs produced to counsel shall not be reproduced
7 without court permission and are not to be shown to anyone, including experts,
8 other than counsel and the Defendant. Defendant may examine the SARs with his
9 counsel, but shall not be given copies of the SARs.. The SARs are to be used only
10 for the purposes of this criminal litigation and shall be destroyed at the conclusion
11 of the litigation, including any appeal. At this juncture, the court makes no
12 determination as to the relevancy and admissibility of any SARs and/or any
13 testimony related to the filing or non-filing of SARs with regard to Defendant
14 and/or Big B Mini Mart.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter
16 this order and to provide copies to counsel of record, including counsel for
17 Yakima Federal (Kevan Montoya, Esq.) and CVB (Brian Walker, Esq.).

18 **DATED** this 10th day of December, 2008.

19 *s/Lonny R. Suko*

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21 LONNY R. SUKO
22 United States District Judge
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